

MR1115-330

Application No. 09/900,894

Responsive to Official Action dated 22 April 2004

REMARKS/ARGUMENTS

This case has been reviewed and analyzed in view of the Official Action dated 22 April 2004. Responsive to the rejections made by the Examiner in the outstanding Official Actions, Claims 11 and 19 have now been amended and Claims 12-18 and 20 have been canceled in order to more clearly clarify the inventive concept of the Applicant.

The Examiner has objected to Claims 12 and 19 due to the informality of "further comprising" recited in the Claims. Claim 12 has now been canceled from this case and Claim 19 has been amended to overcome the Examiner's specific objection.

Prior to a discussion of the Examiner's further objections and rejections made in the outstanding Official Action, it is believed that it may be beneficial to briefly review the subject Patent Application system in light of the inventive concept of the Applicant. The subject Patent Application system is directed to a keyboard having multi-function keys and a scroll ball mounted thereon. As shown in Fig. 1 of the Application Drawings, keyboard 100 includes a set of standard computer keys, including a space bar. As shown in Fig. 1, the space bar has a single-key structure and extends horizontally along the lower portion of the keyboard, with a recess being formed in the space bar.

Further, a scroll-control-ball 201 is positioned adjacent and contiguous to the space bar of the keyboard, with a portion of the scroll-control-ball 201 being received within the recess of the keyboard, as shown in Fig. 1 of the Drawings.

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The Examiner has rejected Claim 11 under 35 U.S.C. § 102(b) as being anticipated by the Messingschlager German Patent #4123442. It is the Examiner's contention that all elements of Claim 11 are taught by the Messingschlager reference.

The Messingschlager reference is directed to a combined data entry device for a computer and processor having an actuator for moving a cursor in two dimensions. As shown in Fig. 1 of the Messingschlager reference, the track ball 1 is positioned within a recess formed by two separate and distinct keyboard spacebar keys.

In contradistinction, as shown in Fig. 1 of the subject Patent Application Drawings, the system of the subject Patent Application includes a track ball or scroll-control-ball 201 which is positioned within a recess of the single-key structure spacebar of the keyboard 100. Though Fig. 2 of the Messingschlager reference shows a keyboard having a standard single-key spacebar, the spacebar does not include a recess for receiving the track ball.

The single-key spacebar construction shown in Fig. 1 of the subject Patent Application Drawings, is similar to the single-key spacebar of a standard or conventional keyboard, which allows for ease in construction, both in labor and cost. Additionally, the single-key construction or structure may give a user relief from Carpal Tunnel Syndrome and other stress-related disorders. Further, the two-key construction of the Messingschlager reference requires that two separate spacebar sensors must be utilized, which doubles the chance of error signals being produced by the keyboard.

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Thus, the Messingschlager reference does not provide for: "...said spacebar being a single key of said keyboard and having a recess formed therein, said recess receiving a portion of said scroll-control-ball...", as is clearly provided by newly-amended Independent Claim 11.

Thus, based upon newly-amended Independent Claim 11, it is not believed that the subject Application is anticipated by, or made obvious by, the Messingschlager reference when Independent Claim 11 is carefully reviewed.

The Examiner has further rejected Claims 12-19 under 35 U.S.C. § 103(a) as being unpatentable over the Messingschlager reference in view of the Danziger Patent #5,426,449. Claims 12-18 have now been canceled from this case, but it is the Examiner's contention that it would have been obvious to use an LCD because an LCD requires less power to operate and provides a more flexible display, in reference to Claim 19.

The Danziger reference is directed to a pyramid-shaped ergonomic keyboard. As shown in Figs. 3 and 4a, the Danziger keyboard includes a trackball 60 mounted within a plurality of function keys with a pair of spacebar keys 70 being formed on opposing sides thereof. As with the Messingschlager reference, argued above with regard to Claim 11, the Danziger reference includes a two-key spacebar construction.

As argued above with reference to Claim 11, the single-key spacebar of the subject Patent Application system, shown in Fig. 1 of the subject Patent Application Drawings,

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provides for construction, ergonomic and error-prevention advantages over a dual-key spacebar, which is shown in both the Messingschlager reference and the Danziger reference.

Neither the Danziger reference nor the Messingschlager reference, when taken alone or in combination, teach or suggest the use of a single key spacebar for the keyboard.

Thus, neither the Danziger reference nor the Messingschlager reference, when taken alone or in combination, provide for: "...said spacebar being a single key of said keyboard and having a recess formed therein, said recess receiving a portion of said scroll-control-ball...", as is clearly provided by newly-amended Independent Claim 11.

Thus, based upon newly-amended Independent Claim 11, it is not believed that the subject Application is anticipated by either the Messingschlager reference or the Danziger reference, when taken alone or in combination, when Independent Claim 11 is carefully reviewed.

Additionally, the Examiner has rejected Claim 20 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claim 20, however, has now been canceled from this case.

The Examiner has objected to the Drawings under 37 C.F.R. § 1.83(a) for not showing every feature of the invention specified in the Claims, particularly the

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fingerprint identification device. Claim 20, which included the fingerprint identification element, has now been canceled from this case.

It is now believed that the remaining Claim 19 shows patentable distinction over the prior art cited by the Examiner for at least the same reasons as those previously discussed for Independent Claim 11.

The remaining reference cited by the Examiner, but not used in the rejection, has been reviewed, but is believed to be further removed when patentable distinctions are taken into account than those cited by the Examiner in the rejection.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,



Morton J. Rosenberg
Registration #26,049

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Rosenberg, Klein & Lee
3458 Ellicott Center Drive
Suite 101
Ellicott City, MD 21043
410-465-6678